IN RE: PETITION FOR ZONING VARIANCE W/S Arbutus Avenue, 150' SW and opposite Marsha Road (5220 Arbutus Avenue)

\* BIFORE THE \* DEPUTY ZONING COMMISSIONER

13th Election District \* OF BALTIMORE COUNTY 1st Councilmanic District \* Case No. 89-215-A

Harold L. Reese, et ux Petitioners

. . . . . . . . . .

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a building lot with a minimum width of 50.33 feet in lieu of the required 55 feet for Lot 10, and a side yard setback of 7 feet in lieu of the required 10 feet for Lot 9, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Harold Reese, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 5220 arbutus Avenue and zoned D.R. 5.5, consists of two lots, Lots 9 and 10, and totals .513 acres, more or less. Lot 9 is currently improved with a single family dwelling which is currently used as Petitioners' residence. Testimony indicated the Petitioners propose constructing a new single family dwelling on Lot 10; however, due to the size and dimensions of the lot, the proposed dwelling cannot be constructed without the requested variances. Petitioner indicated he spoke with his neighbors who indicated they had no objections to his proposal. Further, testimony indicated the granting of the requested variance would not be detrimental to the health, safety and/or general welfare of the public.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Wooday of December, 1988 that the Petition for Zoning Variance to permit a building lot with a minimum width of 50.33 feet in lieu of the required 55 feet for Lot 10, and a side yard setback of 7 feet in lieu of the required 10 feet for Lot 9, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioners shall not request any future side or front yard setbacks for the subject property.

> > ANN M. NASTAROWICZ
> > Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 \*XXXXXX 887-3353 J. Robert Haines

December 21, 1988

Mr. & Mrs. Harold L. Reese 5220 Arbutus Avenue Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE W/S Arbutus Avenue, 150' SW of and opposite Marsha Road (5220 Arbutus Avenue) 3rd Election District - 3rd Councilmanic District Harold L. Reese, et ux - Petitioners Case No. 89-215-A

Dear Mr. & Mrs. Reese:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Very truly yours, \_ Hibratainia

Dennis F. Rasmussen

AMN:bjs

cc: People's Counsel

File

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to allow a building lot with a minimum width of 50.33 ft. in lieu of the required 55 ft. (for Lot \* and to allow a side yard setback of 7 ft. in lieu of the required 10 ft. (for Lot #10) #R
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. Let is so; need to be able to have ability to sell as Building let, For possible Future use <u>2A</u> Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of the Baltimore County adopted pursuant to the Zoning Law For Baltimore County. \_\_\_\_ I/We do solemnly declare and affirm, under the penalties of perjury, that I/we oco are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: (Type or Print Name) Signature City and State Attorney for Petitioner: (Type or Print Name) . Robert Haines Zoning Commissioner of Baltimore County

## CERTIFICATE OF PUBLICATION

TOWSON, MD., <u>Movember 18</u>, 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive 

THE ARBUTUS TIMES THE JEFFERSONIAN,

S. Zefe Oliman

PO 05865

ZONING DEPARTMENT OF BALTIMORE COUNTY

| <del></del>                                    |                                   |
|--|-----------------------------------|
| strict 13 th.                                  | Date of Posting Morenifer 14, 198 |
| Variance-                                      |                                   |
| Harold L Reese et                              | ul                                |
| ecation of property: W/S Arbetus Prenue        | 150'SW apposite Marshar           |
| cation of property: 11/3 Constant and the form | + # 2 1 # 10                      |
| Road (5220 arbitus avenue I                    | Az 4 and 10                       |
| ocation of Signe West side of Arbutus          | arenue in hent of loty 9          |
| eation of Signs: 11231 Augusty                 | J                                 |
| and # 10                                       |                                   |
|  |                                   |
| emarks:  | Date of return November 18, 1988  |
| sied by S.J. Arata                             | Date of return: 110 Million 1911  |
| Signature                                      |                                   |
| when of Simes /                                |                                   |

Harold L. Reese
SUBJECT Zoning Petition No. 89-215-A

In order to avoid any future variances for the development of this site due to unsuitable building styles being constructed on the lot, the aue to unsuitable building styles being constructed on the lot, the applicant should place all building restrictive lines (setbacks) on the property that include 10 foot side yards for any future development. The plan should clearly state that all structures must stay within the setbacks as shown (Lot 9 - proposed lot) in order to avoid future

PK/sf

variances.

Zoning Descripition

Beginning on the west side of.
Arbutus Ave. 50 ft. wide, at a distance.
of 150 ft. south of and opposite Marsha Road. Being lot numbers 9 & 10 in the Subdivistion of Arbutus. Book + folio 87. Also Known as 5220 Arbutus Avenue in

BALLIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Zoning Commissioner Pat Keller, Deputy Director
FROM Office of Planning and Zoning

the 13th Election District.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Date: 12/5/88

and post set(s), there

for each set not

Dennis F. Rasmussen County Executive

Mr. & Mrs. Harold L. Reese 5220 Arbutus Avenue Baltimore, Maryland 21227

Re: Petition for Zoning Variance CASE NUMBER: 89-215-A WS Arbutus Avenue, 150' SW opposite Marsha Road (5220 Arbeitus Avenue, Lots 9 and 10) 13th Election District - 1st Councilmanic Petitioner(s): Harold L. Reese, et ux

HEARING SCHEDILED: FRIDAY, DECEMBER 9, 1988 at 9:30 a.m.\*

Dear Mr. & Mrs. Reese:

Please be advised that 70.95 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Petitioner's Attorney

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

Received by:

James E. Dyer Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

VALIDATION OR SIGNATURE OF CASHIE

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines Zoning Commissioner

October 26, 1988

## NOTICE OF HEARING



Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

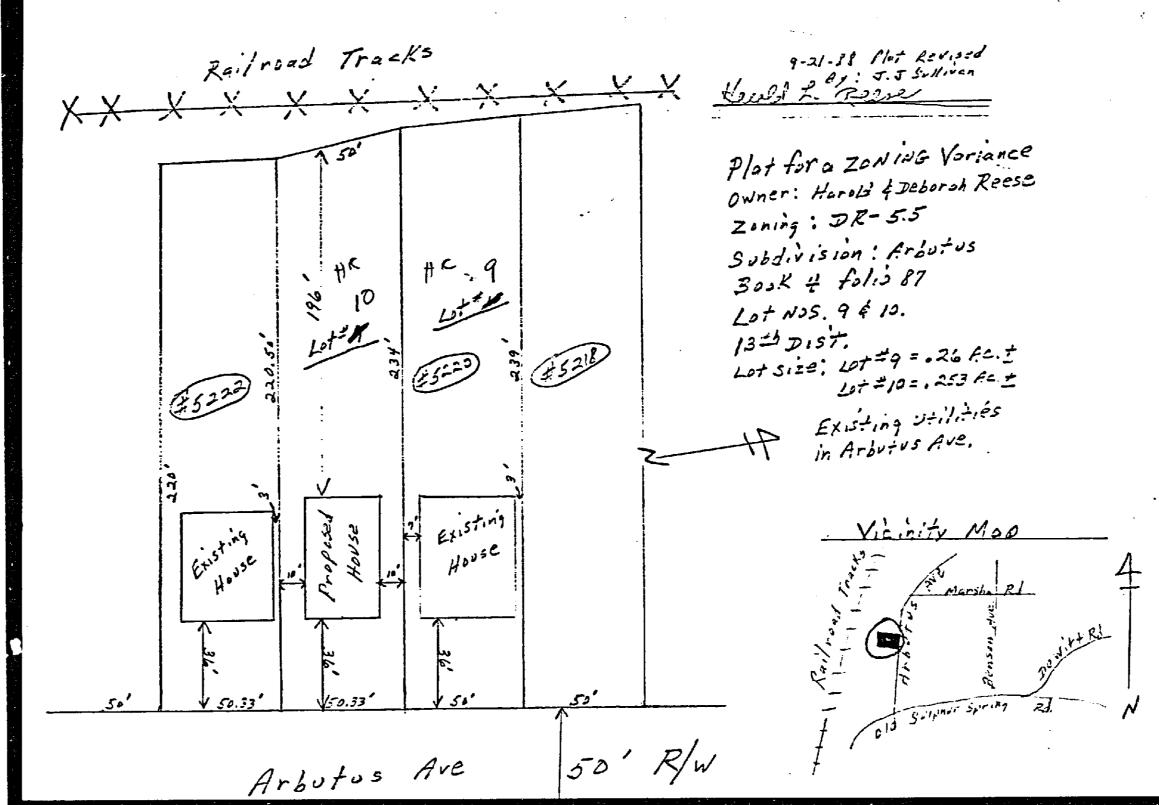
Petition for Zoning Variance CASE NUMBER: 89-215-A WS Arbutus Avenue, 150' SW opposite Marsha Road (522D Arbutus Avenue, Lots 9 and 10) 13th Election District - 1st Councilmanic Petitioner(s): Harold L. Reese, et ux HEARING SCHEDULED: FRIDAY, DECEMBER 9, 1988 at 9:30 a.m.\*

Variance to allow a building lot with aminimum width of 50.33 ft. in lieu of the required 55 ft. (for Lot #9) and to allow a side yard setback of 7 feet in lieu of the required 10 ft. ( for Lot #10).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Poly Hairea J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Mr. & Mrs. Reese

EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDUL-ED FOR THURSDAY, JANUARY 12. 1989. PLEASE TELE-PHONE DOCKET CLERK AT 494-3391 or 887-3391T0 CONFIRM DATE.



Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke

November 10, 1988

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Harold L. Reese, et ux

Dennis F. Rasmussen
Location: Arbutus Avenue, WS, 150' SW of & Opposite Marsha Rd., County Executive

5220 Arbutus Avenue , Lots 9 & 10 Zoning Agenda: Meeting of 10/18/88 Item No.: 121

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals cr \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

Planning Group Special Inspection Division

/jl

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Bureau of

Department of Traffic Engineering State Roads Commission Bureau of

Health Department Project Planning **Building Department** Board of Education Zoning Administration Industrial

Mr. & Mrs. Harold L. Reese 5220 Arbutus Avenue Baltimore, Maryland 21227

> RE: Item No. 121, Case No. 89-215-A Petitioner: Harold L. Reese, et ux Petition for Zoning Variance

December 2, 1988

Dear Mr. & Mrs. Reese:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action lequested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments appointed from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was compted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Chairman Zoning Plans Advisory Committee

JED:dt

**Enclosures** 

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

October 28, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number (121) 140, 141, 143, 146, 148, and 149.

Very truly yours,

Tichall & Fluring -Michael S. Flanigan Engineering Associate